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In re Application of:	:	
HUFNAGL, Peter, et al.	:	DECISION ON REFUND REQUEST
Application No.: 10/524,714	:	
PCT No.: PCT/EP2003/008961	:	
Int. Filing Date: 12 August 2003	:	
Priority Date: 15 August 2002	:	
Attorney Docket No.: GUL019-225663	:	
For: TELEMEDECINE SYSTEM COMP-	:	
RISING A MODULAR UNIVERSAL	:	
ADAPTER	:	

This decision is issued in response to applicants' "Request For Refund" filed 02 February 2006. No petition fee is required.

BACKGROUND

On 15 February 2005, applicants filed a transmittal letter for entry into the national stage accompanied by, among other materials, payment of \$600 in small entity fees and a translation of the international application into English. The transmittal letter itemized the \$600 fee payment as follows: \$150 as the basic national fee; \$50 as the examination fee; \$200 as the search fee; and \$200 as the fee for inclusion of eight extra claims (over the permitted twenty).

On 24 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/903) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the \$65 surcharge for filing the oath or declaration later than thirty months after the priority date, and \$200 in additional claims fees.

On 22 August 2005, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration and payment of the \$65 surcharge and the \$200 in additional claims fees.

On 24 January 2006, the DO/EO/US mailed a "Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt.

On 02 February 2006, applicants filed the "Request For Refund" considered herein, seeking a refund of the \$200 in additional claims fees submitted on 22 August 2005 in response to the Notification Of Missing Requirements. The submission notes that this \$200 fee had already been provided by applicants as part of the original \$600 fee payment filed on 15 February 2005.

DISCUSSION

A review of the application file confirms that the total fee required for extra claims herein is \$200 (i.e., \$25 for each of the eight additional total claims included over twenty). Applicants submitted this \$200 fee as part of the \$600 fee payment filed on 15 February 2005. Accordingly, the requirement in the Notification Of Missing Requirements that applicants submit an additional \$200 payment for extra claims was incorrect. Applicants are therefore entitled to the requested refund of the duplicative \$200 fee payment filed 22 August 2005.

However, it is noted that the \$600 fee payment filed by applicants on 15 February 2005 included only \$50 for the examination fee. Because the USPTO did not issue an International Preliminary Examination Report (IPER) finding that all the claims herein satisfied the requirements of PCT Article 33(1)-(4), the appropriate small entity examination fee here is \$100, not \$50. Accordingly, applicants' present \$200 refund will be offset by the additional \$50 required to complete the required examination fee.

CONCLUSION

Applicants' refund request is **GRANTED** to the extent discussed herein.

Deposit Account No. 23-2820 will be credited with a refund of \$150. This amount represents a refund of the duplicative \$200 fee for extra claims paid 22 August 2005, reduced by the additional \$50 fee payment required to complete the appropriate examination fee.

RRR

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